

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et al.	:	Case No. C-01-378
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	
CINERGY CORP.	:	SUPPLEMENTAL
	:	AFFIDAVIT OF KEN
	:	<u>TOEBBE</u>
Defendant.	:	

STATE OF OHIO)
)ss.
COUNTY OF HAMILTON)

Comes now affiant, Ken Toebe, after being duly cautioned and sworn, states as follows:

1. That I am presently employed by The Cincinnati Gas & Electric Company ("CG&E") as Manager of T&D Projects from 1998 to the present and my job responsibilities include acting as the Hiring Manager responsible for coordinating and scheduling the hiring process for the Lineperson Apprentice Program.
2. That I was involved in the Targeted Selection Process used in the selection of Field Supervisors, Job Posting 00-226 in July of 2000 as the Hiring Manager and have reviewed and am familiar with the records related to same.
3. That the position was posted for three (3) positions.

4. That upon a review of the records related to Job Posting # 00-226 in July of 2000 for the position of Field Supervisor, there is no record of Bill Brantley submitting an application for Job Posting 00-226.

5. That the individuals involved in the Targeted Selection Interview Process were myself, Ken Achberger, Al Perkins and Don Eckstein. Upon reasonable information and belief, Jim Stanley was involved in the final selection process.

6. That the 4 (four) successful candidates with the highest composite scores from the data integration were Tony Moran, Doug Jackson and Gene Barbour.

7. That Tony Moran is an African-American.

8. That I was involved in the Targeted Selection Process used in the selection of Field Supervisors, Job Posting 02-038 in June of 2002, as the Hiring Manager and have reviewed and am familiar with the records related to same.

9. That the position was posted for three (3) positions.

10. That the individuals involved in the Targeted Selection Interview Process were myself, Al Perkins and Tony Moran (an African-American supervisor). Upon reasonable information and belief, Jim Stanley was involved in the final selection process.

11. That the three (3) successful candidates with the highest composite scores from the data integration were Billy Brantley, Doug Wooten and Gary Wessendorf.

12. That I have firsthand knowledge of the above.

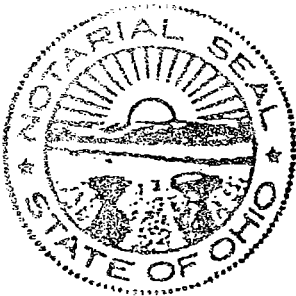
FURTHER AFFIANT SAYETH NAUGHT.

7-30-03
Dated

Ken Toebe
Ken Toebe

NOTARY OF PUBLIC

Sworn to and subscribed in my presence this 30th day of July, 2003.



JILL T. O'SHEA, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION
DATE. SECTION 147.03 O.R.C.

Jill T. O'Shea
Notary Public

Respectfully submitted,

Jill T. O'Shea
Jill O'Shea (0034692)
CINERGY SERVICES, INC.
139 East Fourth St., Room 25 AT II
Cincinnati, Ohio 45201-0960
Telephone: (513) 287-2062
Facsimile: (513) 287-3810

*Attorney for Defendant
Cinergy Corp.*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served via hand delivery this
1st day of August, 2003 to:

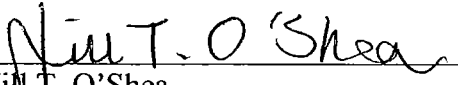
Paul H. Tobias
David D. Kammer
TOBIAS, KRAUS & TORCHIA, LLP
414 Walnut Street
Suite 911
Cincinnati, OH 45202

I certify that a copy of the foregoing pleading was served via overnight mail this
1st day of August, 2003 to:

David W. Sanford
Eric Bachman
Charles Dixon
GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.
7 DuPont Circle
Suite 200
Washington, D.C. 20036

I certify that a copy of the foregoing pleading was served via regular mail this 1st
day of August, 2003 to:

Grant E. Morris
LAW OFFICES OF GRANT E. MORRIS
7 DuPont Circle
Suite 250
Washington, D.C. 20036


Jill T. O'Shea